

Town of Danville

32-72.6 Nomination.

- a. A nomination for a heritage resource shall be made to the Heritage Resource Commission on a form prepared by it. A nomination may be submitted by (1) the owner of record of the property or structure, (2) the Heritage Resource Commission, (3) the Planning Commission, (4) the Town Council, or (5) any other organization with a recognized interest in historical preservation.
- b. The nomination shall clearly identify the proposed heritage resource and shall set forth reasons justifying the proposed designation.
- c. Notification of nomination shall be given to the owner within ten (10) days, although the nomination does not require the owner's permission. (Ord. #89-8, §8-5806)

32-72.7 Interim Control. Once nominated, no building permit shall be issued for major alteration, construction, demolition, or removal of any potential historic resource until the final disposition of the nomination by the Town Council unless such alteration or removal is authorized by formal resolution of Town Council as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days. (Ord. #89-8, §8-5807)

32-72.8 Review and Recommendation.

- a. The Heritage Resource Commission shall review each nomination application for conformance with the purpose and standards of this section and the criteria in subsection 32-72.4;
- b. The Heritage Resource Commission shall conduct a study of the proposed designation and make a preliminary determination based on such documentation as it may require. Their recommendation for approval, rejection or modification of the proposed designation shall be forwarded to the Town Council within sixty (60) days after receipt of a completed nomination application for that resource;
- c. When submitting its recommendation to the Town Council, the Heritage Resource Commission shall provide comments regarding the relationship of the proposed designation to the General Plan and any applicable specific plan, its opinion as to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendation as to any other planning consideration that may be relevant to the proposed designation;
- d. The Town shall notify the owner of a proposed designation by certified mail with return receipt at least thirty (30) days before any Heritage Resource Commission consideration of the designation and of any action taken regarding the designation;
- e. The property owner of a structure nominated for heritage resource designation may notify the Town, in writing, of their decision to withhold or grant permission for the heritage resource designation at any time after the nomination but prior to designation. (Ord. #89-8, §8-5808)

32-72.9 Notice and Hearing.

- a. The Town Council shall schedule a public hearing on a proposed designation to be held within thirty (30) days after receiving a recommendation from the Heritage Resource Commission.
- b. The Town shall send written notice of the date, time, place and purpose of the hearing at least fifteen (15) days before the hearing to the owner(s) of record and applicant (if other than owner) and owners of property within three hundred (300') feet of the proposed designation. Failure to receive notice does not invalidate the proceedings. (Ord. #89-8, §8-5809)

32-72.10 Decision.

- a. The Town may approve, approve with modifications or disapprove a recommendation for heritage resource designation. However, in no case, shall a designation be made without the consent of the owner. The decision shall be made by resolution. A designated heritage resource shall thereafter be subject to the regulations set forth in this chapter and any amendments to it.
- b. If a nomination is disapproved, a subsequent application for the same resource may not be considered for at least three (3) years unless substantial additional information becomes available, in which case the nomination can be resubmitted after one (1) year. A new application may be submitted by the property owner at any time. (Ord. #89-8, §8-5810)

32-72.11 Notification.

- a. The Town Council shall notify the owner of a proposed heritage resource within thirty (30) days of its determination.
- b. If an improvement is designated a heritage resource, the Town shall send a copy of the resolution to the property owner, Heritage Resource Commission, Planning Commission, Building Officer, San Ramon Valley Historical Society, California State Historic Preservation Officer and Contra Costa County Recorder.
- c. The property owner shall also be provided with a copy of this section and information regarding eligibility for benefits under local, State or Federal law to the owner of the resource. (Ord. #89-8, §8-5811)

32-72.12 Amendment or Termination.

- a. The Town Council may amend or terminate a heritage resource designation. A designation may be terminated only if a change of circumstances results in the resource no longer satisfying the criteria set forth in subsection 32-72.4.
- b. If termination of a heritage resource designation is approved at the request of the property owner, penalties will be assessed by the Town Council to offset the original incentives given for participation in the program.
- c. The procedure for amending or terminating a designation is the same as for designating a resource under this Division. A petition for mending or terminating may be submitted to the Heritage Resource Commission and shall be accompanied by a processing fee in an amount established by Town Council resolution. (Ord. #89-8, §8-5812)

City of Davis

Section 40.23.070 Designation Process.

Historical resources, outstanding historical resources, and historic districts shall be designated by the city council upon the recommendation of the historical resources management commission in the following manner:

- a. Initiation of Designation. Designation of a historical resource, an outstanding historical resource, or an historic district may be initiated by the historical resources management commission, by any resident of Davis, or by the owner of the property that is proposed for designation. Applications for designation originating from outside the commission must be accompanied by such historical and architectural information as is required by the commission to make an informed recommendation concerning the application, together with the fee set by the city council.
- b. List. The commission shall publish and transmit to all interested parties a list of proposed designations, and shall disseminate any relevant public information concerning the list or any site, structure, or area contained therein.
- c. Public Hearing. The commission shall schedule a public hearing on all proposed designations, whether originating with the commission or with another party. If an application for designation originates from outside the commission, the public hearing shall be held within ninety days of the secretary to the commission's receipt of a complete application.
- d. Work Moratorium. While the commission's public hearing or the city council's decision on the commission's recommendation is pending, the city council upon the commission's recommendation may declare a work moratorium. During the moratorium, any work that would require an alteration permit if the improvement were already designated a historical resource or outstanding historical resource or if it were already located in a historic district shall not be carried out. The work moratorium will end upon the earlier of the city council's decision on the proposed designation, the moratorium termination date designated by the city council, or one hundred eighty calendar days event from the date of commencement of the moratorium.
- e. Notice. In the case of a proposed designation of a historical resource or outstanding historical resource, notice of date, place, time, and purpose of the hearing shall be given by first class mail to the applicants, owners, and occupants of the property, and to property owners within three hundred feet of the property, at least ten days prior to the date of the public hearing, using the name and address of such owners as shown on the latest equalized assessment rolls or in other ownership records, and shall be advertised once in a daily newspaper of general circulation at least ten days in advance of the public hearing. The commission and

city council may also give other notice as they may deem desirable and practicable. In the case of a proposed historic district, notice of the date, place, time, and purpose of the hearing shall be given by first class mail to the applicants, owners, and occupants of all properties within the proposed district, and to all property owners within three hundred feet of the proposed boundary, at least ten days prior to the date of the public hearing, using the name and address of the owners as shown on the latest equalized assessment rolls or in other ownership records, and shall be advertised five consecutive days in a daily newspaper of general circulation at least ten days in advance of the public hearing.

- f. Commission Recommendations. After the public hearing, but in no event more than thirty days from the date set for the public hearing, the commission shall recommend approval in whole or in part or disapproval of the application for designation in writing to the city council, setting forth the reasons for the decision.
- g. Approval of Commission Recommendations. The city council, within sixty days of receipt of the commission's recommendations concerning proposed designations, shall by ordinance approve the recommendations in whole or in part, or shall by motion disapprove them in their entirety. If the city council approves a proposed designation, notice of the city council's decision shall be sent to applicants and owners of a designated property. Notice shall also be sent to the building official and to the secretary to the commission.
- h. Failure to Send Notice. Failure to send any notice by mail to any property owners where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.
- i. Amendment or Rescission. The commission and the city council may amend or rescind any designation of an historical resource, an outstanding historical resource, or historic district in the same manner and procedure as are followed for designation. (Ord. No. 1270, § 2 (part); Ord. No. 1784, § 1 (part).)

City of Eureka

157.04 Initial Designation of Properties and Districts.

- A. Each of the lots on which one or more of the structures identified in Exhibit A is wholly or partly located, and each lot in a preservation district, shall be an eligible property.
- B. Not later than 30 days after the effective date, the Director of Community Development shall notify, by certified U.S. mail, return receipt requested, at least one owner of record on the latest equalized assessment roll for each eligible property. Each such notice may be recorded in the office of the Humboldt County Recorder. Each such notice shall specify that an owner of record may elect, to exclude that owner's eligible property from the alteration and demolition provisions of § 157.07 of this chapter. The notice shall state what date is the last day to elect exclusion, which shall be the date 120 days after the effective date. The notice shall state how the owner may notify the city of an election to exclude the property.
- C. Each eligible property, except those as to which the city receives notice of exclusion pursuant to division (B) of this section shall be a designated property, beginning 120 days after the effective date. (Ord. 607-C.S., passed 3-19-96)

157.05 Designation after Effective Date; Change in Status.

- A. 1. A property shall cease to be a designated property, following application by the owner of record or initiation by the Historic Preservation Commission, and determination either:
 - a. For a designated property which is not a district property, that a change has occurred since the effective date so that on balance the property does not possess sufficient historic or architectural attributes to qualify as a designated property;
 - b. For a district property, that a change has occurred since the effective date so that on balance the property does not possess sufficient historical or architectural attributes to contribute significantly to the character of the preservation district which includes the property; or,
 - c. For any designated property, that a taking would result unless the status of the property is changed.

2. No property shall cease to be a designated property under subdivisions (a) or (b) of this division if that property has applied for and received economic benefits or regulatory relief from the city by virtue of its status as a designated property.
- B. A property which is not a designated property may become a designated property upon application by any person, or initiation by the Historic Preservation Commission, if each of the following conditions is satisfied:
 1. If the application is not by the owner of record, the owner of record contents in writing to the designation; and,
 2. The property proposed for designation meets guidelines as in effect at the time the designation is considered. Except to the extent modified by the City Council after the effective date, the guidelines shall be those which would apply to eligibility of the property for listing on the National Register of Historic Places.
- C. 1. A district which is not a preservation district may be made a preservation district upon application by any person, or initiation by the Historic Preservation Commission, if each of the following conditions is satisfied:
 - a. The Historic Preservation Commission determines that the district meets guidelines as in effect at the time the designation is considered. Except to the extent modified by the City Council after the effective date, the guidelines shall be those which would apply to eligibility of the district as a historic district on the National Register of Historic Places;
 - b. Notice is given to the owner of each property within the proposed district by taking the actions specified in § 157.04(b) of this chapter, except that notice under this subdivision shall state that an owner of record may elect to approve the district and include the owner's property in the district, shall state what date is the last date to approve and elect inclusion, and shall state how the owner may notify the city of the owner's election; and,
 - c. More than one-half of the properties in the proposed district approve the district and elect inclusion.
2. All lots within such a preservation district shall be designated properties. (Ord. 607-C.S., passed 3-19-96) Penalty, see § 150.999

City of Fresno

13-407. Designation Process.

Buildings, structures, objects, sites and districts may be considered for designation as Historic Resources, Historic Districts or Heritage Properties under this article as set forth in sections 13-407.1, 13-407.2, 13-407.3 and 13-407.4.

13-407.1 Historic Resources.

- a. Requests for Designation: Designation of an Historic Resource may be initiated by the Council, the Commission, the Secretary, the property owner, or an authorized representative of the owner. The application for designation consideration shall be filed with the Specialist, using a form approved by the Secretary and shall include the following information:
 1. The Assessor's Parcel Number for the property containing the building, structure, object or site proposed for designation along with the name and address of the current owner(s) of record and a copy of the deed granting title to the owner(s);
 2. Whether the proposed historic resource takes the form of a building, structure, object or site as same are defined in this article;
 3. A detailed description of the specific building, structure, object or site proposed for designation including but not limited to its dates of construction, significant alterations and architectural style;
 4. The manner in which the proposed building, structure, object or site meets the criteria for designation contained in Section 13-406(a) of this article;
 5. Current photographs of all aspects of the proposed historic resource, supplemented by sketches, drawings or other descriptive materials;
 6. A description of the physical condition and appearance of the proposed historic resource;
 7. If the designation proposal is not being submitted by the owner, a statement acknowledging whether the owner has consented to submission of the proposal, is in

- opposition to the submission or has declined to state a position on the issue, however, this language shall not be interpreted as requiring owner consent to the designation of an individual resource under this section;
8. Completed California Department of Parks and Recreation Primary Record and Building, Structure and Object forms for the proposed historic resource; and
 9. Any other information determined necessary by the Specialist to be required for a complete and adequate application.
- b. Procedural requirements in advance of hearing:
1. The application and supporting information shall be reviewed by the Specialist for adequacy and completeness under the requirements of this section. A hearing on the application will be scheduled within 45 days of the date the Specialist determines that the application is adequate and complete or as soon thereafter as is practicable.
 2. Notice of the time, place and purpose of such hearing will be mailed to the owner of the property proposed for designation at the address shown on the latest assessment roll and published once in a local newspaper of general circulation not less than ten (10) days prior to the date of the hearing. The Secretary may also give such additional notices as he or she deems desirable and practicable.
 3. The property owner and/or any authorized representative shall be prohibited from undertaking any alteration, construction, grading, demolition or removal of such property, and no permit to undertake such work shall be issued by the city for 90 days from the date the Specialist mails the initial notice of hearing to determine historic resource designation to the property owner and/or any authorized representative. If no final action has been taken as to the historic resource designation within the 90 day period, said restrictions shall be removed unless the Commission, with the consent of the property owner and/or any authorized representative, elects to continue its consideration of the property for historic resource designation. If the Commission, with the consent of the owner and/or any authorized representative, makes such an election, said restrictions shall remain against the property until final action and the Specialist shall notify the appropriate city officials of said restrictions. Nothing in this provision shall be construed as a prohibition or infringement on the legal use of a property pending consideration by the Commission.
The provisions of this section shall not apply to the construction, grading, alteration, demolition or removal of any structure or other feature, where a permit for the performance of such work was issued prior to the date of notice of hearing to consider the designation of the historic resource, and where such permit has not expired or been canceled or revoked, provided that construction is started and diligently pursued to completion in accordance with the Building Code.
Prior to the Commission's hearing on the designation of the property, upon application by the property owner and/or any authorized representative, the Specialist may approve a permit for alterations, construction or reconstruction consistent with the ordinary maintenance and repair of the property, to the extent that such work does not adversely affect the exterior architectural features of the property.
4. The Specialist shall prepare a staff report for the Commission which shall also be mailed to the owner of the property and/or any authorized representative with the above-described notice of hearing.
- c. Commission Hearing:
1. The Commission shall review all materials prepared and submitted and only members of the Commission who have physically visited and seen the proposed property may vote on the designation recommendation.
 2. At the conclusion of the hearing, the Commission shall recommend to the Council approval, disapproval or modification of the proposal for designation and make findings in support of that recommendation; or the Commission may continue the hearing.
 3. An affirmative roll call vote of a majority of the authorized membership of the Commission is required for a recommendation to the City Council.
 4. Within ten (10) days of the final Commission action, the Secretary shall send a copy of the recommendation, findings and all submitted materials to the City Clerk. The City Clerk

shall place on the agenda of the Council the Commission's recommendation for Council consideration. The owner of the property shall thereafter be given notice of the time and place of the Council hearing at least ten days prior to the hearing date, together with a copy of the Commission's recommendation, findings and submitted materials to the Council.

13-407.2 Local Historic Districts.

- a. Requests for Designation: Designation of a Local Historic District may be initiated by the Council, the Commission, or property owners within the proposed District and shall consist of an initial, preliminary submission and, if recommended by the Commission, a subsequent, formal submission.
- b. Initial Application: The initial application shall be filed with the Specialist using the form(s) approved by the Secretary and shall include the following information:
 1. Proposed District Boundaries.
 2. A Statement of how the proposed Local Historic District meets the Designation Criteria of Section 13-406 (b) of this article.

The initial application shall be the subject of a staff report and will be scheduled for a determination by the Commission as to whether the initial application should proceed to a formal application. If the Commission so recommends, a formal application shall be developed and submitted for Commission consideration at a future meeting. If the Commission does not so recommend, no further action shall be taken with respect to the proposed Local Historic District.
- c. Formal Application: The formal application for Local Historic District designation consideration must be consented to by a majority of the property owners within the proposed district. For purposes of determining whether a majority of property owners have consented, each property owner is entitled to one vote. Owners of more than one property within the proposed district are entitled to one vote per property and multiple owners of a single property are collectively entitled to one vote. The formal application shall be filed with the Specialist using the form(s) approved by the Secretary and shall include the following information:
 1. A clearly defined and explained boundary for the proposed district shown on an Assessor's Map or Maps.
 2. A concise description of the general physical or historical elements (buildings, structures, objects and sites) and qualities which make this area a Local Historic District with a description of building types, architectural styles and periods represented in the proposed district.
 3. A concise statement that clearly documents why the proposed district has significance (areas of significance that reflect the proposed district's historic importance), the period of time for which it is significant, why it substantially meets Local Historic District criteria for listing as set forth in section 13-406(b) above and, if applicable, why it substantially meets National Register Historic District criteria for listing as set forth in section 13-406(c) above.
 4. A definition of what types of buildings contribute and do not contribute to the significance of the proposed Local Historic District as well as an estimate of the percentage of buildings within the proposed district that do not contribute to its significance.
 5. A map illustrating all buildings in the proposed district with an identification of contributing and non-contributing resources.
 6. Photographs of streetscapes in the proposed district and the contributing and non-contributing resources.
 7. Completed Department of Parks and Recreation forms for each building, structure, object or site within the proposed Local Historic District which also identify the potential contributors and non-contributors to the district.
 8. Whether the application is seeking the designation of a Local Historic District (and thereafter the nomination of a National Register Historic District) or only the designation of a Local Historic District.
 9. The signed property owners' consent form which shall clearly indicate the name, district property address, district property parcel number and mailing address of each consenting property owner.

10. A draft council resolution for Local Historic District designation.
- d. Procedural Requirements in advance of Hearing:
 1. The formal application and all supporting information shall be reviewed by the Specialist for adequacy and completeness under the requirements of this section. The Specialist shall be responsible for determining whether the formal application has been consented to by a majority of the property owners within the proposed district as required by this article. A hearing on the application will be scheduled within 45 days of the date the Specialist determines that the application is adequate and complete or as soon thereafter as is practicable.
 2. A copy of the formal application and notice of the time, place and purpose of such hearing will be mailed to the owners of all properties included within the district proposed for designation at the addresses shown on the latest assessment roll and published once in a local newspaper of general circulation not less than ten (10) days prior to the date of the hearing. The Secretary may also give such additional notices as he or she deems desirable and practicable.
 3. No permit shall be issued by the city for the undertaking of any alteration, construction, grading, demolition or removal of any property within a proposed historic district and all property owners and/or their representatives shall be prohibited from undertaking any such work for 90 days from the date the Specialist mails the initial notice of hearing to determine Local Historic District designation to the property owners and/or their authorized representatives. If no final action has been taken as to the proposed Local Historic District designation within the 90 day period, said restrictions shall be removed, unless the Commission, with the consent of the property owners and/or their authorized representatives, elects to continue its consideration of the Local Historic District designation. If the Commission, with the consent of the property owners and/or their authorized representatives, makes such an election, said restrictions shall remain against the properties in the proposed Local Historic District until final action and the Specialist shall notify appropriate city officials of said restrictions. Nothing in this provision shall be construed as a prohibition or infringement on the legal use of properties within the proposed historic district pending consideration by the Commission.

The provisions of this section shall not apply to the construction, grading, alteration, demolition or removal of any structure or other feature, where a permit for the performance of such work was issued prior to the date of notice of hearing to consider the designation of the Local Historic District, and where such permit has not expired or been canceled or revoked, provided that construction is started and diligently pursued to completion in accordance with the Building Code.

Prior to the Commission's hearing on the designation of the Local Historic District, the provisions of this section shall not apply to permits for alterations, construction or reconstruction consistent with the ordinary maintenance and repair of a property, as defined in Attachment A to the June 1997 Programmatic Agreement among the city, the Advisory Council on Historic Preservation and the State Office of Historic Preservation.

Upon application by any property owner or authorized representative, the Specialist shall approve such permits for alterations, construction or reconstruction to the extent that the proposed work is consistent with Attachment A and does not adversely affect the exterior architectural features of the property.
 4. The Specialist shall prepare a staff report for the Commission which shall also be mailed to the owners of all properties within the proposed Local Historic District with the above-described notice of hearing.
- e. Commission Hearing:
 1. The Commission shall review all materials prepared and submitted and only members of the Commission who have physically visited and seen the proposed Local Historic District may vote on the designation recommendation.
 2. Any property owner or his or her representative may make a presentation to the Commission on the issue of whether his or her property should be considered as a contributor or non-contributor to the proposed district and on the issue of whether or not the district should be formed.

3. At the conclusion of the hearing, the Commission shall recommend to the Council approval, disapproval or modification of the proposal for Local Historic District designation; make findings in support of that recommendation; make findings on issues or concerns raised by any individual property owner; identify any property owner objecting to the inclusion of their property within the district; or the Commission may continue the hearing.
4. An affirmative roll call vote of a majority of the authorized membership of the Commission is required for a recommendation to the Council.
5. Within ten (10) days of the final Commission action, the Secretary shall send a copy of the recommendation, findings and all submitted materials to the City Clerk. The City Clerk shall place on the agenda of the Council the Commission's recommendation for Council consideration. The owners and/or authorized representatives of all of the properties within the proposed Local Historic District boundaries shall thereafter be given notice of the time and place of the Council hearing at least ten days prior to the hearing date, together with a copy of the Commission's recommendation, findings and submitted materials to the Council.

f. Adoption of a Conservation/District Plan:

After the declaration of any Historic District by the Council pursuant to section 13-408 of this article, the applicant shall have 90 days to develop a Conservation/District Plan which will set forth the manner in which the preservation objectives of the Local Historic District will be met. Prior to approval of the Plan by the Commission, design review in other than Specific Plan areas shall be conducted by the Commission. The Plan must include but is not limited to:

1. A statement of significance which includes a description of contributing resources and significant elements.
2. The goals and objectives of the proposed district.
3. The means by which conservation objectives will be enforced:
 - i. A proposed Design Review Committee with all conditions for formation, membership and operations specified;
 - ii. The Historic Preservation Commission serving as the Design Review Committee for the Local Historic District; or
 - iii. A Specific Plan Design Review Committee with all conditions for formation, membership and operations specified.
4. Identification of the standards and guidelines which will be applied to design review within the district.
5. The activities regulated by the Conservation/ District Plan which shall exclude activities determined exempt under this article.
6. The public education/outreach program to be conducted by the Conservation/District Plan.
7. The provision of an annual report to the Commission on compliance with and implementation of the Conservation/District Plan.

13-407.3. National Register Historic Districts.

- a. Requests for Recommendation: Recommendation of a designated Local Historic District to the National Register of Historic Places, as a National Register Historic District, may be requested by more than fifty (50) percent of the property owners within such Historic District or the Commission or Council.
- b. Procedural Requirements in advance of Hearing:
 1. The recommendation application and all supporting information shall be reviewed by the Specialist for adequacy and completeness under the requirements of this article and the National Register of Historic Places. A hearing on the recommendation will be scheduled within 45 days of the date that the Specialist determines that the application is adequate and complete or as soon thereafter as is practicable.
 2. Notice of the time, place and purpose of such hearing will be mailed to the owners of all properties included within the designated Local Historic District proposed for recommendation as a National Register Historic District at the addresses shown on the latest assessment roll and published once in a local newspaper of general circulation not

less than ten (10) days prior to the date of the hearing. The Secretary may also give such additional notices as he or she deems desirable and practicable.

3. The Specialist shall prepare a staff report for the Commission addressing the consequences and procedural requirements of listing the Local Historic District on the National Register of Historic Places as a National Register Historic District which shall also be mailed to the owners of all properties within the proposed National Register Historic District with the above described notice of hearing.
- c. Commission Hearing
 1. The Commission shall review all materials prepared and submitted and only members of the Commission who have physically visited and seen the proposed National Register Historic District may vote on the District recommendation.
 2. At the conclusion of the hearing, the Commission shall recommend to the chief elected local official and Council approval, disapproval or modification of the proposal for the National Register Historic District and make findings in support of that recommendation; or the Commission may continue the hearing.
 3. An affirmative roll call vote of a majority of the authorized membership of the Commission is required for a recommendation to the chief elected local official and Council.
 4. Within ten (10) days of the final Commission action, the Secretary shall send a copy of the recommendation, findings and all submitted materials to the chief elected local official and the City Clerk. The City Clerk shall place on the agenda of the Council the Commission's recommendation for Council consideration.

The owners of all properties within the proposed National Register Historic District boundaries shall thereafter be given notice of the time and place of the Council hearing at least ten days prior to the hearing date, together with a copy of the Commission's recommendation, findings and submitted materials to the Council.

13-407.4. Heritage Properties.

- a. Requests for Designation: Designation of a Heritage Property may only be initiated by the property owner or an authorized representative of the owner. The application for Heritage Property designation consideration shall be filed with the Specialist, using a form approved by the Secretary and shall include the following information:
 1. The Assessor's parcel number for the property containing the building, structure, object or site proposed for designation along with the name and address of the current owner(s) of record;
 2. Whether the proposed resource takes the form of a building, structure, object or site as same are defined in this article;
 3. A detailed description of the specific building, structure, object or site proposed for designation including its dates of construction and significant alterations and its architectural style;
 4. The manner in which the proposed building, structure, object or site meets the definition of a Heritage Property contained in Section 13-402 (n) of this article;
 5. Current photographs of all aspects of the proposed Heritage Property, supplemented by sketches, drawings or other descriptive materials;
 6. A description of the physical condition and appearance of the proposed Heritage Property;
 7. The applicant's objectives in seeking Heritage Property designation; and
 8. Any other information determined necessary by the Specialist to be required for a complete and adequate application.
- b. Procedural requirements in advance of hearing:
 1. The application and supporting information shall be reviewed by the Specialist for adequacy and completeness under the requirements of this section. A hearing on the application will be scheduled within 45 days of the date the Specialist determines that the application is adequate and complete or as soon thereafter as is practicable.
 2. Notice of the time, place and purpose of such hearing will be mailed to the owner of the property proposed for designation at the address shown on the latest assessment roll. The Secretary may also give such additional notices as he or she deems desirable and practicable.

3. The Specialist shall prepare a staff report for the Commission which shall also be mailed to the owner of the property with the above-described notice of the hearing.
- c. Commission Hearing:
 1. The Commission shall review all materials prepared and submitted and only members of the Commission who have physically visited and seen the proposed property may vote on the Heritage Property designation recommendation.
 2. At the conclusion of the hearing, the Commission shall approve, disapprove or modify the proposal for Heritage Property designation by an affirmative roll call vote of a majority of the Commissioners present.
- d. The owner or their authorized representative may amend or rescind the designation of a Heritage Property in the same manner and procedure as was followed in the original designation.

13-408. Adoption by Council.

- a. The sole authority to declare Historic Resources or Historic Districts and to endorse Local Historic Districts to the National Register of Historic Places shall be vested in the Council and shall be exercised only after completion of the Commission's responsibilities under the designation process set forth above in section 13-407.
- b. Within thirty days following receipt by the City Clerk of the Commission's recommendations or as soon thereafter as is practicable, a hearing shall be set by the Clerk and held by the Council. Following such hearing, the Council shall adopt, modify or reject the designation recommended by the Commission and, in the instance of a district designation, make findings as to which properties shall be considered contributors and non-contributors to the district. In the alternative, the Council may continue its consideration of the matter, or, in the event that new information is presented, refer the proposed designation to the Commission for further hearings, consideration or study within a period of time designated by Council. Adoption of the designation shall be made by resolution which shall contain findings of fact as specified in Section 13-406.
- c. Within ten days of the Council's designation decision, notice thereof shall be mailed by the Secretary to the owner of record of each property proposed for designation at the address shown on the latest assessment roll and to such other persons that the Secretary may deem appropriate, and shall be recorded with the County Recorder. Such notice shall include the basis for any historical designation, a summary of the regulations which result from such designation and a copy of project activities which are exempt from regulation under this article.
- d. No proposal for designation once considered and disapproved by the Council shall be reconsidered except upon the affirmative vote of four Council members. Any decision to reconsider shall be treated as a new proposal for designation pursuant to Sections 13-407.1, 13-407.2, 13-407.3 or 13-407.4 of this article.

13-409. Amendment or Rescission of Decision of Designation.

The Historic Preservation Commission may amend or rescind any designation of an Historic Resource, an Historic District, a contributor to an Historic District or a non-contributor to an Historic District in the same manner and procedure as was followed in the original designation. This action shall result from new information, the discovery of earlier misinformation or change of original circumstances, conditions or factors which justified the designation of the Resource or District.

13-410. Local Register of Historic Resources.

Resolutions adopting designations of Historic Resources and Local Historic Districts shall collectively be known as the Local Register of Historic Resources. The local register shall be kept on file with the Secretary, who shall transmit copies to the City Clerk, and to the Development Director, the Public Works Director, the Fire Chief, the Chief of Police, the Director of the Fresno City and County Historical Society, and the main branch of the Fresno County Library.

13-411. Deletion of Demolished, Relocated or Rescinded Designated Historic Resources.

When a designated Historic Resource has been demolished or relocated outside the city limits or when its designation has been rescinded pursuant to the provisions of this article, the Secretary, upon notice thereof, shall cause such resource to be deleted from the Local Register of Historic Resources and from the Historic Property Data File for Fresno County maintained by the State

Office of Historic Preservation. The Secretary shall also cause a Rescission of Designation to be recorded with the County Recorder. Upon such deletions and such rescission, the provisions of this article shall not be deemed to encumber or otherwise restrict the use of such property.

City of Glendale

15.20.050 Findings for designation of historic resources and historic districts.

Upon recommendation of the historic preservation commission, city council shall consider and make findings for additions to the register of historic resources. The designation of any proposed resource in the city as a historic resource or district shall be granted only if city council first finds that the proposed historic resource or district contains one or more of the following elements:

- A. The proposed resource or district identifies interest or value as part of the heritage of the city;
- B. The proposed resource or district is the location of a significant historic event;
- C. The proposed resource or district identifies with a person or persons or groups who significantly contributed to the history and development of the city; or whose work has influenced the heritage of the city, the state or the United States;
- D. The proposed resource or district exemplifies one of the best remaining architectural type in a neighborhood; or contains outstanding or exemplary elements of attention to architectural design, detail, materials or craftsmanship of a particular historic period;
- E. The proposed resource or district is in a unique location or contains a singular physical characteristic representing an established and familiar visual feature of a neighborhood;
- F. The proposed resource or district is a source, site or repository of archeological interest;
- G. The proposed resource or district contains a natural setting that strongly contributes to the well being of the people of the city. (Ord. 5110 § 12, 1996: prior code § 21-02)

15.20.055 Findings for deletion of historic resources and historic districts.

Upon recommendation of the historic preservation commission, city council shall consider and make findings for deletions from the register of historic resources. The deletion of any designated historic resource or district shall be granted only if city council first finds that the historic resource or district:

- A. Has been destroyed or demolished by natural or man-made means; or
- B. No longer conforms to any of the findings identified in Section 15.20.050 of this code; or
- C. Has diminished historic significance or value upon a showing of clear and convincing evidence; or
- D. Cannot be restored, rehabilitated, stabilized or renovated for any use permitted in the zone in which it is located without causing an economic hardship disproportionate to the historic value of the property substantiated by clear and convincing evidence. Proof of economic hardship shall require a showing that the cost of stabilization of the historic fabric of the property exceeds the appraised value as determined by a qualified appraiser of the historic improvements on the site. If the appraised value of the historic improvements on a historic site is less than seventy-five percent of similarly sized buildings within a five-hundred-foot radius, the average appraised value of property improvements in the radius area shall be used. For property where neighborhood standards are not comparable, standard real estate practice comparable worth studies shall be produced to justify the burden of stabilization as compared to property value. Council shall consider the value of property tax incentives allowed by the historic preservation ordinance and other benefits as may be available for historic preservation or stabilization in determining if economic hardship exists to the extent that deletion from the historic register is warranted. (Ord. 5110 § 13, 1996)

15.20.060 Procedure for designation or deletion of historic resources.

- A. Prior to city council consideration for designating or deleting historic resources or districts, written consent shall be obtained from the property owner(s) of record;
- B. The city council shall set a public hearing prior to designating or deleting a historic resource or district;
- C. The city clerk shall give notice of the public hearing which notice shall contain the date, time and place of the hearing, the general nature of the proposed designation or deletion and the street address or legal description of the property involved. Said notice shall be published once in the official newspaper of the city at least ten days before the date of the hearing. Said notice shall be mailed, postage prepaid, at least ten days before the date of the hearing to

affected property owners and all persons, shown on the last equalized assessment roll as owning real property located within a radius of three hundred feet of the exterior boundaries of the property which is subject to the proposed designation or deletion;

- D. The city shall make findings of fact and determinations in writing pursuant to the criteria set forth in Sections 15.20.050 and 15.20.055 of this code; and
- E. The decision of the city council shall be made by resolution which shall be recorded with the Los Angeles County recorder. (Ord. 5110 § 14, 1996: prior code § 21-03)

Town of Los Gatos

29.80.230. Designation by ordinance.

- a. The Council may by ordinance designate:
 - 1. One (1) or more individual structures or other features, or integrated groups of structures and features on one (1) or more lots or sites, having a special character or special historical, architectural or aesthetic interest or value, as landmarks, and shall designate a landmark site for each landmark; and
 - 2. One (1) or more areas containing a number of structures having special character or special historical, architectural or aesthetic interest or value, and constituting distinct sections of the Town, as historic districts.
- b. Each designating ordinance shall include a description of the characteristics of the landmark or historic district which justify its designation, and a list of any particular features in addition to those features which would be affected by work described in section 29.80.260 that are to be preserved, and shall specify the location and boundaries of the landmark site or historic district.
- c. A lot zoned LHP may only be used in the manner provided in the underlying zone, however, the Town Council, on the basis of the evidence submitted at the hearing, may permit an existing use not otherwise permitted in the underlying zone to continue providing the Council makes the following findings:
 - 1. The use has been legal and continues to operate in a manner that is not detrimental to other uses in the general vicinity;
 - 2. There is no history of complaints about the use;
 - 3. Removal of the use to another location would effectively end the significance of the historical designation on the property; and
 - 4. The use has been legally and continuously operating for at least fifty (50) years.

The specific use and the findings to support its continuance shall be incorporated in the designating ordinance.

- d. If the use permitted by subsection (c) above is discontinued for one hundred eighty (180) consecutive days, the use shall not be resumed and the use of the property shall conform with the provisions of the underlying zone. Token use does not toll or interrupt a period of discontinuance.
- e. The property designated shall be subject to the controls and standards contained in this division. In addition, the property shall be subject to the following further controls and standards if imposed by the designating ordinance:
 - 1. For a publicly owned landmark, review of proposed changes in major interior architectural features.
 - 2. For a historic district, such further controls and standards as the Council finds necessary or desirable, including but not limited to facade, setback and height controls.
- f. The Council may amend or rescind a designation only by ordinance, after Planning Commission and Council hearings as required for original designations. (Ord. No. 1316, 4.86.050, 6-7-76; Ord. No. 1674, 2-18-86; Ord. No. 2041, IV, 2-2-98)

29.80.235. Initiation of designation.

Initiation of designation proceedings shall be by resolution of the Council or Planning Commission. The date of initiation is the date the resolution is adopted. (Ord. No. 1316, 4.86.060, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 2041, IV, 2-2-98)

29.80.240. Procedure.

Except as provided by this division the proceedings for LHP or landmark and historic preservation overlay zone designation are the same as for any other zoning of land. (Ord. No. 1316, 4.86.070, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 2041, IV, 2-2-98)

29.80.245. Hearing by Planning Commission for proposed historic designation.

Notices required by sections 29.20.560 and 29.20.565, shall be mailed.

1. *Action and time limit.* The Planning Commission shall consider the degree of conformity of the proposed designation with the purposes and standards of this division and the general plan. The Planning Commission shall determine the matter within one hundred twenty (120) days after the initiation of designation proceedings.
2. *Notice of action.* The Planning Commission shall promptly notify the property owner of action taken. If the Planning Commission approves or modifies the proposed designation in whole or in part, it shall transmit the proposal, together with a copy of the resolution of approval, to the Council. (Ord. No. 1316, 4.86.080, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1626, 8-6-84; Ord. No. 2041, IV, 2-2-98)

29.80.250. Notice of designation by Council.

When a landmark or historic district has been designated by the Council, the Town Clerk shall promptly notify the owners of the property included therein. (Ord. No. 1316, 4.86.100, 6-7-76; Ord. No. 2041, IV, 2-2-98)

City of Pasadena

2.75.140 Procedure for designating landmarks and historic treasures.

The commission, upon its own initiative or upon the request of any person or city agency, may propose the designation of any cultural resource in the city as a landmark or a Pasadena historic treasure and thereupon take the following actions:

- A. A commission representative shall meet with the property owner in an effort to obtain such owner's written consent prior to initiation of the proposed designation.
- B. At a noticed public hearing within 30 days of the date of the initiation or request, the commission shall review the application. Written notice of such hearing shall be sent by certified mail to the property owner, at least 14 days prior to the hearing date. At the hearing the commission shall determine if the cultural resource meets the specified criteria for designation as a landmark or historic treasure, as supported by substantial evidence in the record, including without limitation documents showing the historic, architectural or other significance. The commission shall make its recommendation following the hearing. If the commission determines that the structure does not meet the criteria, the process shall terminate and the property owner shall be notified of such termination without delay.
- C. If the commission determines that the cultural resource warrants designation, the commission shall:
 1. Notify the director and the planning commission in writing, of the proposed designation;
 2. Submit a written recommendation to the city council, incorporating its reasons in support of the proposed designation. Such recommendation shall include written documentation of the property owner's consent to the proposed designation if such consent has been obtained.
- D. The city council, upon receipt of a recommendation in support of a proposed designation, shall set the matter for public hearing within 30 days of the date of filing of the recommendation and shall render its decision thereon within 30 days after the close of the hearing. Written notice of the hearing shall be provided to the owner of the property proposed for designation. Such notice shall be mailed at least 14 days prior to the hearing date. A reasonable opportunity for the owner or any interested party to be heard shall be provided at the hearing.
- E. If the property is privately owned, the owner of the property may object to the designation of the property as a landmark or a historic treasure by filing with the city clerk a written statement setting forth the objection prior to the hearing. If an objection is made by the owner or, if there are multiple owners, by those owners having an interest greater than 50% of the assessed value of the property, the city council shall determine if the property is eligible for designation, but no declaration of its designation shall be recorded. An owner or an owner's successor in interest may thereafter withdraw an objection at any time by filing a statement

withdrawing the objection. Written notice of such withdrawal shall be given to other property owners. A declaration for eligible properties shall be recorded whenever it is determined that the objections on file, and not withdrawn, do not exceed 50% of the assessed value of the property.

- F. If no objections are received pursuant to subsection E above, the city council may approve the landmark or historic treasure designation, which approval shall be evidenced by a declaration of designation, executed by the mayor. The city clerk shall record the declaration in the office of the county recorder. (Ord. 6610 § 2E, 1994; Ord. 6229 § 2 (part), 1987)

City of Redondo Beach

10-4.301. Nomination requirements, landmark.

Nominations of an historic resources as a landmark shall be made only by application of the property owner or property owners representing a majority or controlling interest in the property on which the resource is located, and the owner or owners representing a majority or controlling interest in the improvement if such improvement has been legally severed. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.302. Minimum eligibility requirements, landmark.

In order to be eligible for consideration as a landmark, an historic resource must be at least fifty (50) years old; with the exception that an historic resource of at least thirty (30) years of age may be eligible if the Preservation Commission determines that the resource is very exceptional, or that it is threatened by demolition, removal, relocation, or inappropriate alteration. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.303. Nomination requirements, historic district.

Nominations of a multiple number of historic resources as an historic district shall be made only by application of all of the owners of record of any lot or parcel of land to be included in the proposed district. (§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 1, Ord. 2638 c.s., eff. September 5, 1991)

10-4.304. Minimum eligibility requirements, historic district.

In order to be eligible for consideration as an historic district, at least seventy-five (75%) percent of the buildings in the proposed district (excluding accessory buildings) must be at least fifty (50) years old or otherwise meet the requirement of Section 10-4.302. In addition, no more than twenty-five (25%) percent of the buildings in the proposed district (excluding accessory buildings) may be noncontributing. Noncontributing buildings may be included as part of an historic district only to the extent that the Preservation Commission determines them to be essential to the geographic integrity of the district. The Preservation Commission shall make determinations identifying any noncontributing buildings within an historic district as part of the review process. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.305. Delay of work pending hearing.

Once a completed application has been accepted for the designation of a landmark or an historic district, no building, alteration, demolition, removal, or relocation permits for any historic resource, improvement, building, or structure relative to a proposed landmark or within a proposed historic district shall be issued until a final determination is made regarding the proposed designation, except as provided under Article 6 of this chapter. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.306. Notice.

Notice of the date, place, time and purpose of hearings shall be given by first class mail to the owner(s) of all nominated resource(s) at least ten (10) days prior to the date of the public hearing, using the names and addresses of such owners as shown on the latest equalized assessment rolls and shall be advertised in a newspaper of general circulation at least ten (10) days prior to the hearing. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Preservation Commission may also give such other notice as they deem desirable and practicable. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.307. Owner's withdrawal of consent.

A property owner who has signed an application for inclusion of his (her) property in a proposed historic district may withdraw such consent by filing a written notice of withdrawal with the City Clerk at any time prior to the close of the public hearing thereon before the Preservation

Commission or before the City Council on appeal, if any. (§ 2, Ord. 2554 c.s., eff. August 31, 1989, as amended by § 1, Ord. 2638 c.s., eff. September 5, 1991)

10-4.308. Commission study and determination.

Not more than forty-five (45) days from the acceptance of a completed application for the designation of a landmark or historic district, a public hearing shall be scheduled before the Preservation Commission to study the proposed designation and to determine its eligibility and qualifications. Following the public hearing, but within no more than seventy (70) days from the date of the initial hearing, the Commission shall decide to approve, in whole or in part, or disapprove the designation. All decisions to approve or disapprove designations shall be made by resolution, and shall set forth the findings and reasons relied upon in making the determination. The time limit for making a decision may be extended at the request or with the concurrence of the applicant(s). (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.309. Notice of designation, City departments.

Notice of the designation of a landmark or an historic district shall be transmitted to all appropriate City departments and any other interested governmental and civic agencies. Each City department shall incorporate the notice of designation into its records, so that future decisions or permissions regarding or affecting a landmark or historic district shall be made with the knowledge of the designation. For projects to be carried out by the City, or subject to discretionary approval by the City, that have a direct adverse effect on a landmark or properties within an historic district as determined by the responsible department, notice shall be given to the Preservation Commission. The Preservation Commission may review such projects and provide comments and recommendations to the reviewing or decision-making body. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

10-4.310. Removal of designation.

- a. In the event of substantial destruction of a landmark or historic district, the owner or owners of a landmark or owners representing a majority or controlling interest in a minimum of fifty-one (51%) percent of the parcels in an historic district may apply for removal of designation. The Preservation Commission or City Council may also initiate removal in such circumstances. The removal of a designation for this reason shall be processed and decided in the same manner as designations as set forth in this article, with the additional requirement that the determination of substantial destruction shall be set forth in the findings of the Commission.
- b. The complete demolition or removal of a landmark shall result in the removal of the landmark designation.
- c. Once a landmark or historic district designation has been removed, affected properties shall no longer be subject to any provision or regulation of this chapter. (§ 2, Ord. 2554 c.s., eff. August 31, 1989)

City of San Jose

13.48.110 Procedure for designation of a landmark.

- A. Any potentially historic property can be nominated for designation as a city landmark by the city council, the historic landmarks commission or by application of the owner or the authorized agent of the owner of the property for which designation is requested. When a landmark has been nominated by application of the owner or authorized agent of the owner, the application may be withdrawn at any time by the applicant by the filing of a notice of such withdrawal with the city clerk, provided that said applicant may reapply for landmark designation at any time thereafter, and provided that the council may nominate the property for such designation at any time after withdrawal.
- B. Any such applications shall be filed with the director of planning upon the prescribed form and shall include the following data:
 1. Assessor's parcel number of the site;
 2. Description of the characteristics and category of the landmarks which meets the requirements this chapter detailing the landmark's special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature;
 3. Sketches, drawings, photographs or other descriptive material;
 4. Statement of condition of the proposed landmark;

5. Statement of the special historical, architectural, cultural, aesthetic or engineering interest or value of an historical nature of the proposed landmark; and
6. Other information requested by said director.
- C. When the nomination documentation is complete, the city council, by resolution, shall initiate the procedure for the designation of a landmark so nominated.
- D. Whenever proceedings for designation of a landmark have been initiated or withdrawn, the city clerk shall transmit a copy of the record of initiation or withdrawal to the director of planning, director of neighborhood preservation, and director of public works, for their information, and to the building official to be maintained in the roster of proposed and designated landmarks and historic districts.
- E. Every designation of a proposed landmark however nominated, shall be considered by the historic landmarks commission at a public hearing. The hearing of the commission shall be held within ninety days from the date of city council adoption of a resolution initiating a landmark nomination. The historic landmarks commission shall report to city council within thirty days after the close of the public hearing on the landmark nomination, in any event, no later than one hundred twenty days from initiation.
- F. Notice of the time and place of such commission hearings and the purpose thereof shall be given by publication of a notice to appear once in a newspaper of general circulation in the city of San Jose of at least ten days prior to the date of said hearing; and by mailing the same, postage prepaid, (1) the owner of said property, as shown on the last equalized assessment roll adopted by the county of Santa Clara, or to the address shown for such purposes on the application if the proceedings were initiated by application of the owner, and (2) the occupant of the property if other than the owner. In addition, the director of planning shall cause notices of the time, place, and purpose of such hearings to be posted along the frontage of the site of the proposed landmark. Said notices shall contain:
 1. A statement of the general location of the landmark;
 2. A notice of the time and place and purpose of the hearing;
 3. A reference to the application or other documents on file with the director of planning for particulars;
 4. A statement that any interested person may appear in person or by agent and be heard;
 5. An identification and description of the landmark.
- G. After such public hearing, the historic landmarks commission shall recommend to the city council approval, disapproval or modified approval of every such proposed designation. Such recommendation shall be advisory only and shall not be binding on the council. Failure of the historic landmarks commission to report to the council within one hundred twenty days of city council initiation shall be deemed a recommendation of denial of the proposed designation.
- H. Prior to recommending approval or modified approval, the historic landmarks commission shall find that said proposed landmark has special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that its designation as a landmark conforms with the goals and policies of the general plan. In making such findings, the commission may consider the following factors, among other relevant factors, with respect to the proposed landmark:
 1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture;
 2. Its location as a site of a significant historic event;
 3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;
 4. Its exemplification of the cultural, economic, social or historic heritage of the city of San Jose;
 5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
 6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
 7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the city of San Jose;
 8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

- I. After receiving a recommendation from the historic landmarks commission, the city council shall hold a public hearing at the earliest next regular meeting, consistent with the agenda preparation procedure. The city clerk shall give notice of the time and place of the hearing in the manner prescribed by Subsection F of this section for noticing such hearings before the historic landmarks commission.
 - J. The city council by written resolution may approve, disapprove, or give modified approval to a proposed designation.
 - K. Prior to the approval or modified approval of designation, the city council shall make those findings specified in subsection H. of this section.
 - L. When a landmark has been designated by the council, as provided above, the city clerk shall promptly notify the owners of the property included therein by mailing to them a certified copy of the resolution of the council in the manner prescribed for mailing notices in this section, or such other address as the owner may request at the time of the hearing. Such resolution shall be recorded by the city clerk in the office of the recorder of the county of Santa Clara. The clerk shall also send a certified copy of said resolution to the director of planning, director of neighborhood preservation, director of public works, the building official, and the occupant of the property.
 - M. Landmarks so designated shall be subject to the provisions of Part 3 of this chapter. (Ords. 20884, 21704, 23408.)
- 13.48.120 Procedure for designation of historic districts.
- A. Any geographically defined area can be nominated as a city historic district by the city council, the historic landmarks commission, the planning commission or by application of persons who own sixty percent of the land proposed to be included in the district or the authorized agents of such owners.
 - B. Any such applications by the owners, or their authorized agents, shall be filed with the director of planning upon the prescribed forms and shall include the following data:
 - 1. Statement of the district's special historical, architectural, cultural, aesthetic or engineering interest or value of an historical nature;
 - 2. Drawings, photographs, or other descriptive material;
 - 3. Assessor's parcel map showing the properties to be included in the proposed district; and
 - 4. Other information requested by the director of planning.The application shall be accompanied by a filing fee in the amount set forth in the schedule of fees adopted by the city council. This fee shall be in addition to other fees required by law. The application will not be accepted as complete by the director until all fees have been paid, and the environmental documentation required by CEQA and Title 21 of this code has been completed.
 - C. After the environmental documentation required by CEQA and Title 21 of this code has been completed, the city council, by resolution, shall initiate the procedure for the designation of an historic district so nominated.
 - D. Whenever proceedings for the designation of an historic district have been initiated or withdrawn, the city clerk shall transmit a copy of the record of initiation or withdrawal to the director of planning, director of neighborhood preservation, and director of public works for their information, and to the building official to be maintained in the roster of proposed and designated historical landmarks and historic districts.
 - E. The director of planning shall refer the resolution of the initiation of the proposed historic district to the historic landmarks commission for report and recommendation to the planning commission, and to the planning commission for report and recommendation to the city council. The historic landmarks commission and the planning commission shall each hold a public hearing, notice of which shall be given by publication of a notice to appear once in a newspaper of general circulation in the city of San Jose of at least ten days prior to the date of said hearing, and by mailing the same, postage prepaid, to: (1) the owner of said property, as shown on the last equalized assessment roll adopted by the county of Santa Clara, or to the address shown for such purposes on the application if the proceedings were initiated by application of the owners; (2) the occupants of the property if other than the owners; and (3) the owners, as shown on the last equalized assessment roll adopted by the county of Santa

Clara, of lots or parcels of land which (either in part or in their entirety) are situated within three hundred feet of such proposed historic district. Said notices shall contain:

1. A statement of the boundaries of the proposed district;
 2. A notice of the time and place and purpose of the hearing;
 3. A reference to the application or other documents on file with the director of planning for particulars;
 4. A statement that any interested person may appear in person or by agent and be heard.
 - F. The historic landmarks commission shall transmit its report and recommendation to the planning commission within thirty days of the close of the public hearing, in any event, no later than one hundred twenty days from city council initiation.
 - G. After such public hearings, the historic landmarks commission and the planning commission shall recommend approval, disapproval, or modified approval of the proposed designation. In recommending approval or modified approval, the historic landmarks commission and the planning commission may recommend that such designation be subject to such conditions as they deem reasonably necessary to secure the purposes of this chapter. The recommendations of both commissions for approval, disapproval or modified approval shall be advisory only and shall not be binding.
 - H. In recommending approval or modified approval, the historic landmarks commission and the planning commission shall find that said proposed historic district is a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, buildings, structures or objects unified by past events or aesthetically by plan or physical development.
 - I. The planning commission shall transmit its report and recommendation, together with any report and recommendation from the historic landmarks commission, to the city council within one hundred fifty days of the initiation; provided that no action shall be taken by the planning commission during the ninety-day review period of the historic landmarks commission unless it has received the report and the recommendation of the historic landmarks commission.
 - J. The city council shall hold a public hearing on any proposed designation so transmitted, notice of which shall be given in the same manner as specified in subsection E. of this section. Failure of the planning commission to report its recommendation to the city council within the time prescribed in subsection I. of this section shall be deemed a recommendation for denial of said district, and at the expiration of such period the council may hold its public hearing despite the failure of the planning commission to submit said recommendation. The city council by written resolution may approve, modify and approve, or deny the proposed designation. The council may make such designation subject to such conditions as it deems reasonably necessary to secure the purposes of this chapter. The council shall not make any such designation unless, with respect thereto, it makes the findings specified in subsection H. of this section.
 - K. When a district has been so designated by the city council, as provided above, the city clerk shall promptly notify the owners of the property included therein by mailing to them a certified copy of the resolution of the council in the manner prescribed for mailing notices in this section, or such other address as the owner may request at the time of the hearing. The city clerk shall transmit a certified copy of said resolution to the director of planning, director of neighborhood preservation, director of public works, and the building official.
 - L. The property included in any such designation shall be subject to the provisions set forth in Part 3 of this chapter as well as any conditions set forth in the designation resolution. (Ords. 20884, 21704, 23408.)
- 13.48.130 Notice of amendment or rescission of designation.
- A. When a landmark has been designated as a landmark and when property has been designated as an historic district, such designation may thereafter be rescinded or amended by the city council. The procedure for amending or rescinding the designation shall be the same as that for designation of a landmark or a district in the first instance. The council may rescind a designation in whole or in part when it deems it to be in the public interest to do so. The council may amend a designation when the findings required for designation in the first instance may be made with respect to the amended designation. B. The city clerk shall promptly notify the owners of the affected landmark or property by mailing a certified copy of

the resolution amending or rescinding the designation, and shall cause a copy of the appropriate resolution to be recorded in the office of the recorder of Santa Clara County. The clerk shall also send a certified copy of said resolution to the director of planning, the director of neighborhood preservation, director of public works, the building official and the occupant of the property. (Prior code § 8958; 13.48.120; Ords. 20884, 21704.)

City of Santa Monica

9.36.090 Structure of Merit designation procedure.

Structures of Merit shall be designated by the Landmarks Commission in accordance with the following procedure:

- a. Any person may request the designation of an improvement as a Structure of Merit by properly filing with the Director of Planning an application for such designation on a form furnished by the Planning Department. Additionally, the Commission may file an application for the designation of a Structure of Merit on its own motion. Within thirty days of filing a Structure of Merit designation application, the property owner and tenants of the subject property shall be notified of the application filing.
- b. Upon proper filing of an application for designation of an improvement as a structure of merit, removal or demolition, in whole or in part, of or to a proposed Structure of Merit is prohibited, and no permit issued by any City Department, Board or Commission including, but not limited to, a conditional use permit, a tentative tract map, or tentative parcel map permit, a development review permit, any Zoning Administrator permit, architectural review, rent control permit, or building permit, authorizing any such removal or demolition shall be granted while any action on the application is pending.
- c. The Director of Planning shall conduct an evaluation of the proposed designation and shall make a recommendation to the Commission as to whether the structure merits such designation. A public hearing to determine whether the structure merits such designation shall be scheduled before the Landmarks Commission within ninety days of filing of an application.
- d. Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place, and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, owner of the improvement, and to all owners and occupants of all real property within three hundred feet of the exterior boundaries of the lot or lots on which a proposed Structure of Merit is situated, using for this purpose the names and addresses of such owners as are shown on the records of the City Clerk. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.
- e. No later than ninety days from the filing of an application, the Commission shall approve, in whole or in part, or disapprove the application for the designation of a Structure of Merit. If the Commission fails to take action on the application for the designation of a Structure of Merit at the conclusion of the public hearing, the application for such designation shall be deemed disapproved, and it shall be the duty of the Director of Planning to certify such disapproval.
- f. The decision of the Commission shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the Director of Planning.
- g. Upon the rendering of a decision to designate a Structure of Merit, the owner of the designated Structure of Merit shall be given written notification of such designation by the Commission, using for this purpose the name and address of such owner as is shown in the records of the City Clerk.
- h. Subject to other provisions of this Section 9.36.090 and 9.36.180 of this Chapter, a decision of the Commission to designate a Structure of Merit shall be in full force and i. The Commission shall have the power, after a public hearing, to amend, modify, or rescind any decision to designate a Structure of Merit and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto.

- j. The Commission shall determine the instances in which cases scheduled for public hearing may be continued or take under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.
- k. Whenever an application for the designation of a Structure of Merit has been disapproved or deemed disapproved by the Commission, no application which contains the same or substantially the same information as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of five years from the effective date of the final action upon such prior application. However, if significant new information is available, the City Council, upon recommendation from the Landmarks Commission, may waive the time limit by resolution and permit a new application to be filed. In addition, an application by the owner of the improvement proposed for Structure of Merit designation may be resubmitted or reconsidered notwithstanding said five year time period. (Prior code § 9606.2; added by Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.120 Landmark designation procedure.

Landmarks shall be designated by the Landmarks Commission in accordance with the following procedure:

- a. Any person of the City may request the designation of an improvement as a Landmark by properly filing with the Director of Planning an application for such designation on a form furnished by the Planning Department. Additionally, the Commission may file an application for the designation of a Landmark on its own motion. Within thirty days of filing a landmark designation application, the property owner and tenants of the subject property shall be notified of the filing of such application.
- b. The Director of Planning shall conduct an evaluation of the proposed designation and shall make a recommendation to the Commission as to whether the application is appropriate for formal consideration. A hearing to determine whether the structure merits formal consideration shall be scheduled within sixty days of filing of an application. If the Commission determines that the application merits consideration, but only if it so determines, it shall schedule a public hearing within forty-five days of such determination. Any determination of the Commission to schedule or not to schedule a public hearing shall be in writing and shall be filed with the Director of Planning.
- c. Upon a determination by the Commission that the application merits formal consideration by the Commission and the scheduling of a public hearing thereto, any alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a proposed Landmark or Landmark Parcel is prohibited, and no permit issued by any City Department, board or commission, including, but not limited to, a conditional use permit, a tentative tract map or tentative parcel map permit, a development review permit, any Zoning Administrator permit, Architectural Review Board approval, certificate of appropriateness permit, rent control permit, or building permit, authorizing any such alteration, restoration, construction, removal, relocation or demolition shall be granted while a public hearing or any appeal related thereto is pending.
- d. Not more than twenty days and not less than ten days prior to the date scheduled for a public hearing, notice of the date, time, place and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, owner of the improvement, and to all owners and residents of all real property within three hundred feet of the exterior boundaries of the lot or lots on which a proposed Landmark is situated, using for this purpose the names and addresses of such owners as are shown on the records of the City Clerk. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.
- e. At the conclusion of a public hearing, or any continuation thereof, but in no case more than forty-five days from the date set for the initial public hearing, the Commission shall approve, in whole or in part, or disapprove the application for the designation of a Landmark, and define and describe an appropriate Landmark Parcel. If the Commission fails to take action on the application for the designation of a Landmark within the forty-five day time period, the

application for such designation shall be deemed disapproved, and it shall be the duty of the Director of Planning to certify such disapproval.

- f. The decision of the Commission shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the Director of Planning.
- g. The Commission shall have the power, after a public hearing, whether at the time it renders such decision to designate a Landmark or at any time thereafter, to specify the nature of any alteration, restoration, construction, removal, relocation or demolition of or to a Landmark or Landmark Parcel which may be performed without the prior issuance of a certificate of appropriateness pursuant to this Chapter. The Commission shall also have the power, after a public hearing, to amend, modify or rescind any specification made pursuant to the provisions of this subsection.
- h. Upon the rendering of such decision to designate a Landmark, the owner of the designated Landmark shall be given written notification of such designation by the Commission, using for this purpose the name and address of such owner as is shown in the records of the City Clerk.
- i. Subject to other provisions of this Section 9.36.120 and Section 9.36.180 of this Chapter, a decision of the Commission to designate a Landmark shall be in full force and effect from and after the date of the rendering of such decision by the Commission.
- j. The Commission shall have the power, after a public hearing, to amend, modify or rescind any decision to designate a Landmark or Landmark Parcel and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto.
- k. The Commission shall determine the instances in which cases scheduled for public hearing may be continued or taken under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.
- l. Whenever an application for the designation of a Landmark has been disapproved or deemed disapproved by the Commission, or by the City Council on appeal, no application which contains the same or substantially the same information as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of five years from the effective date of the final action upon such prior application. However, if significant new information is available, the City Council, upon recommendation from the Landmarks Commission, may waive the time limit by resolution and permit a new application to be filed. In addition, an application of the owner of the subject improvement proposed for Landmark designation may be resubmitted or reconsidered notwithstanding said five year time period. (Prior code § 9608; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1083CCS, adopted 2/28/78; Ord. No. 1590CCS § 1, adopted 7/23/91)

9.36.130 Historic District designation procedure.

Historic Districts shall be designated by the City Council in accordance with the following procedure:

- a. Any person may request the designation of an area as a Historic District by properly filing with the Director of Planning an application for such designation on a form furnished by the Planning Department. Additionally, the Landmarks Commission may file an application for the designation of a Historic District on its own motion.
- b. The Director of Planning shall conduct a preliminary evaluation of the proposed designation and shall make a recommendation to the Commission as to the appropriateness and qualification of the application for consideration by the Commission within ninety days after the proper filing of the application.
- c. A hearing to determine whether the application for such designation merits formal consideration shall be scheduled within ninety days after the preliminary evaluation is transmitted to the Commission. Notice of the hearing on the preliminary evaluation shall be mailed to the property owners and tenants of all properties located within the boundaries of the proposed district not more than twenty and not less than ten days prior to the date scheduled for such hearing. If the Commission fails to take action on the preliminary evaluation within the ninety day time period, the application for such designation shall be

deemed disapproved and it shall be the duty of the Director of Planning to certify such disapproval.

- d. If the Commission determines that the application merits formal consideration by the Commission, but only if it so determines, it shall schedule a public hearing to be held within forty-five days of such determination. Any determination of the Commission to schedule or not to schedule a public hearing shall be in writing and shall be filed with the Director of Planning.
- e. Upon a determination by the Commission that the application merits formal consideration by the Commission and the scheduling of a public hearing thereto, any alteration, restoration, construction, removal, relocation or demolition, in whole or in part, of or to a building or structure within a proposed Historic District is prohibited, and no permit issued by any City Department, board or commission including a conditional use permit, a tentative tract map or parcel map permit, a final tract map or parcel map permit, a development review permit, any Zoning Administrator permit, architectural review permit, rent control permit, or building permit authorizing any such alteration, restoration, construction, removal, relocation or demolition shall be granted while a public hearing or any appeal related thereto is pending.
- f. Any person subject to Section 9.36.130(e) may apply to the Director of Planning, and to the Landmarks Commission, on appeal, for an exception. Exceptions may be granted for repairs or alterations which do not involve any detrimental change or modification to the exterior of the structure in question or for actions which are necessary to remedy emergency conditions determined to be dangerous to life, health or property.
- g. Not more than twenty days and not less than ten days prior to the date scheduled for such public hearing, notice of the date, time, place and purpose thereof shall be given by at least one publication in a daily newspaper of general circulation, and shall be mailed to the applicant, owners of all real property within the proposed Historic District and to the owners and residents of all real property within three hundred feet of the exterior boundary of the Historic District, using for this purpose the names and addresses of such owners as are shown on the records of the City Clerk. The failure to send notice by mail to any such real property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice as it may deem desirable and practicable.
- h. At the conclusion of a public hearing, or any continuation thereof, but in no case more than forty-five days from the date set for the initial public hearing, the Commission shall recommend to the City Council the approval, in whole or in part, or disapproval of the application for the designation of a Historic District, and shall forward such recommendation to the City Council stating in writing the findings of fact and reasons relied upon in reaching such a recommendation. If the Commission fails to take action on the application for the designation of a Historic District within the forty-five day time period, the application for such designation shall be deemed disapproved, and it shall be the duty of the Director of Planning to certify such disapproval.
- i. Within forty-five days from the date the Landmarks Commission renders a recommendation on the Historic District application, a public hearing shall be scheduled before the City Council. The same notice requirements set forth in subsection (g) of this Section shall apply to the hearing before the City Council. At the conclusion of the public hearing, or any continuation thereof, but in no case more than forty-five days from the date set for the initial public hearing, the City Council shall by ordinance approve, in whole or in part, the application for the designation of the Historic District, or shall by motion disapprove the application in its entirety. If the City Council fails to take action on the application for the designation of a Historic District within the forty-five day time period, the application for such designation shall be deemed disapproved, and it shall be the duty of the City Clerk to certify such disapproval.
- j. The decision of the City Council to approve the application for the designation of a Historic District, in whole or in part, by ordinance, or to disapprove the application in its entirety by motion, shall be in writing and shall state the findings of fact and reasons relied upon to reach the decision, and such decision shall be filed with the City Clerk.

- k. The City Council shall by ordinance have the power, after a public hearing, whether at the time it renders a decision to designate a Historic District or at any time thereafter, to specify the nature of any alteration, restoration, construction, removal, relocation or demolition of or to a building or structure within a Historic District which may be performed without the prior issuance of a certificate of appropriateness pursuant to this Chapter. The City Council shall by ordinance also have the power after a public hearing to amend, modify or rescind any specification made pursuant to the provisions of this subsection.
- l. Upon the rendering of such decision to designate a Historic District, the owners of all real property within the designated Historic District shall be given written notification of such designation by the City Council, using for this purpose the names and addresses of such owners as are shown in the records of the City Clerk.
- m. Subject to other provisions of this Section 9.36.130, a decision of the City Council to designate a Historic District shall be in full force and effect from and after the effective date of the ordinance approving, in whole or in part, the application for the designation of a Historic District.
- n. The City Council shall by ordinance have the power, after a public hearing, to amend, modify or rescind any decision to designate a Historic District and to make any preliminary or supplemental designations, determinations or decisions, as additions thereto. The Commission shall have the power to forward the recommendations of the Commission to the City Council on its own motion or at the direction of the City Council.
- o. The City Council shall determine the instances in which cases scheduled for public hearing may be continued or taken under advisement. In such instances, no new notice need be given of the further hearing date, provided such date is announced at the scheduled public hearing.
- p. Whenever an application for the designation of a Historic District has been disapproved or deemed disapproved by the Commission or the City Council, no application which contains the same or substantially the same information as the one which has been disapproved shall be resubmitted to or reconsidered by the Commission or City Council within a period of five years from the effective date of the final action upon such prior application. However, if significant new information is available, the City Council, upon recommendation from the Landmarks Commission, may waive the time limit by resolution and permit a new application to be filed. In addition, an application of all owners of the majority of parcels within the subject area proposed for Historic District designation, may be resubmitted or reconsidered notwithstanding said five year time period. (Prior code § 9609; added by Ord. No. 1028CCS, adopted 3/24/76; amended by Ord. No. 1590CCS § 1, adopted 7/23/91)